



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 481

*August 15, 2008*

*Whether a candidate for speaker of the house of representatives may expend campaign funds to employ the services of a professional fundraiser. (AOR-544)*

The Texas Ethics Commission has been asked to consider whether a candidate for speaker of the house of representatives may expend campaign funds to employ the services of a professional fundraiser.

Chapter 302 of the Government Code governs the use of campaign funds for speaker candidates. A “speaker candidate” is a member of or candidate for the house of representatives who has announced his candidacy for speaker of the house of representatives or who, by his actions, words, or deeds, seeks election to the office of speaker. Gov’t Code § 302.011(1). “Campaign funds” are the speaker candidate’s personal funds that are devoted to the campaign for speaker and any money, services, or other things of value that are contributed or loaned to the speaker candidate for use in the candidate’s campaign for speaker. *Id.* § 302.011(3).

Section 302.020 of the Government Code states that a speaker candidate may expend campaign funds for the following purposes:

- (1) travel for the speaker candidate and the speaker candidate’s immediate family and campaign staff;
- (2) the employment of clerks and stenographers;
- (3) clerical and stenographic supplies;
- (4) printing and stationery;
- (5) office rent;
- (6) telephone, telegraph, postage, freight, and express expenses;
- (7) advertising and publicity;
- (8) the expenses of holding political and other meetings designed to promote the candidacy;
- (9) the employment of legal counsel; and
- (10) the retirement of campaign loans.

*Id.* § 302.020.

Section 302.021 provides that a speaker candidate or former speaker candidate commits an offense if the person expends campaign funds for any purpose other than those enumerated in section 302.020 of the Government Code. *Id.* § 302.021(a)(6). The purposes enumerated by section 302.020 do not specifically include a payment to employ the services of a professional fundraiser. Thus, the issue is whether such a payment would be prohibited by section 302.021(a)(6).

Among the purposes enumerated by section 302.020 is “advertising and publicity.” In construing a statute, words and phrases shall be read in context and construed according to the rules of grammar and common usage. *Id.* § 311.011(a). Black’s Law Dictionary defines “advertising” as “[t]he action of drawing the public’s attention to something to promote its sale.” Black’s Law Dictionary 59 (8th ed. 1999). “Publicity” is also defined in part as “an act or device designed to attract public interest,” “the dissemination of information or promotional material,” or “public attention or acclaim.” Webster’s Ninth New Collegiate Dictionary 952 (1991).

It is reasonable to conclude that an expenditure to employ the services of a professional fundraiser constitutes an expenditure made for advertising and publicity. Furthermore, we do not believe the legislature intended to require a speaker candidate to personally raise campaign funds without the assistance of a paid professional. Therefore, a speaker candidate may expend campaign funds to employ the services of a professional fundraiser. However, the services, and any additional funds raised by such services, may only be used for the candidate's campaign for speaker in accordance with chapter 302 of the Government Code.

### **SUMMARY**

A candidate for speaker of the house of representatives may expend campaign funds to employ the services of a professional fundraiser provided that the services and additional funds raised are used only for the candidate's campaign for speaker in accordance with chapter 302 of the Government Code.